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Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

# Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

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* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

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## A. Resolutions

### 1997/35. Adverse consequences of economic sanctions on the enjoyment of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto,

Concerned about the adverse consequences of economic sanctions, such as embargoes and blockades, on human rights,

Recognizing that such coercive measures should be adopted by or under the authority of the Security Council only in accordance with Article 24 and Chapter VII of the Charter of the United Nations,

Convinced that such measures should always be limited in time,

Aware, moreover, that such measures most seriously affect the innocent population, in particular the weak and the poor, especially women and children,

Concerned that such measures have a tendency to aggravate the imbalances in income distribution already present in the countries concerned,

Noting that in many cases they may give rise to smuggling and trafficking which greatly benefit mala fide businesspeople often close to the oppressive government authorities which are insensitive to the suffering of their people,

1. Appeals to all States concerned to reconsider their adoption of or support for such measures, even if the legitimate goals pursued are not yet attained, if after a reasonable period they appear not to be bringing about the desired changes in policy, regardless of the nature of that policy;

2. Decides to consider the adverse consequences of economic sanctions on human rights at its fiftieth session under the agenda item entitled "Implications of humanitarian activities on the enjoyment of human rights".

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/36. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988 reaffirming that all people have an inherent right to life,

Recalling also its resolution 1992/39 on arms production and trade and human rights violations,

Recalling further its resolution 1996/16, in which it requested the Secretary-General to submit a report on information gathered on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium and their consequential and cumulative effects and the danger they represent to life, physical security and other human rights,

Concerned at the use of weapons of mass or indiscriminate destruction or of a nature to cause superfluous injury or unnecessary suffering, both against members of the armed forces and against civilian populations, resulting in death, pain, misery and disability,

Concerned also at repeated reports of the long-term consequences of the use of such weapons upon human life and health,

Concerned further that the physical effects on the environment of testing, storage or disposal of or debris from such weapons, either alone or in combination, and abandoned contaminated equipment constitute a serious danger to life and health,

Convinced that the use of or threat of use of weapons of mass or indiscriminate destruction and, in certain circumstances, the production and sale of such weapons are incompatible with international human rights and/or humanitarian law,

Convinced also that the production, sale, use or threat of use of chemical and biological weapons are incompatible with international law, as well as the promotion and maintenance of international peace and security,

Convinced further that the use on civilian populations of napalm and fuel-air bombs violates the Protocol on Prohibition or Restrictions on the Use of Incendiary Weapons (Protocol III) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons,

Believing that the production, sale, use or threat of use of nuclear weapons has serious consequences for the promotion and maintenance of international peace and security,

Believing further that continued efforts must be undertaken to sensitize public opinion to the inhuman and indiscriminate effects of all such weapons and to the need for their complete elimination,

Having considered the report of the Secretary-General (E/CN.4/Sub.2/1997/27) and the many serious questions raised therein,

1. Urges all States to be guided in their national policies by the need to curb the testing, the production and the spread of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering;

2. Decides to authorize Ms. Ferero Ucros to prepare, without financial implications, a working paper, in the context of human rights and humanitarian norms, assessing the utility, scope and structure of a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

## 1997/37. Illicit transfer of arms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Conventions on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Bearing in mind the "Guidelines for international arms transfer in the context of General Assembly resolution 46/36 H of 6 December 1991" adopted in 1996 by the United Nations Disarmament Commission,

Deeply concerned at the recurrence of armed conflicts exacerbated by the illicit transfer of arms, their incidence on the enjoyment of human rights and on the application of international humanitarian law, as well as by their adverse consequences for international and regional peace and security,

Urges States to foster international cooperation, to exchange information, to promote technical assistance and to promulgate administrative and legal measures aimed at the prevention and control of the illicit transfer of arms,

Decides to authorize the inclusion of this question in the preliminary document concerning a study in the context of human rights and humanitarian norms, on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, to be submitted to the Sub-Commission at its fiftieth session.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/38. Promotion of dialogue on human rights issues

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Purposes and Principles of the United Nations, particularly Article 1, paragraph 3, of the Charter, which stipulates that one of the Purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Underlining the principle, as elaborated in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, that enhancement of international cooperation in the field of human rights is essential for the full achievement of the Purposes of the United Nations,

Recognizing the importance attached by the regional meetings, held prior to the World Conference on Human Rights in Tunis from 2 to 6 November 1992, in San José from 18 to 22 January 1993 and in Bangkok from 29 March to

2 April 1993, of conducting dialogues and consultations with a view to promoting universal respect for, and observance of, human rights and fundamental freedoms,

Acknowledging with great interest the strong views pronounced by members of the Sub-Commission concerning the urgent need to increase dialogue in the interest of the promotion of human rights in all countries,

Deeply concerned at the possibility of human rights issues being used for political purposes,

Welcoming the favourable conditions for international cooperation to promote human rights provided by the ending of the cold war,

Noting with appreciation the statement made on 18 April 1997 by the Chairman of the fifty-third session of the Commission on Human Rights, in which he recognized the importance of cooperation and consultation, as well as consensus-building, with a view to enhancing the effectiveness of the Sub-Commission in promoting and protecting human rights,

1. Endorses the cooperative approach adopted by the members of the Sub-Commission, conducive to the accomplishment of its mandate;

2. Encourages further and timely dialogue, public or closed, among the expert members of the Sub-Commission, to facilitate the formulation and adoption of resolutions and decisions;

3. Invites members of the Sub-Commission and governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights, so as to enhance understanding and to search for effective and commonly agreed solutions to the promotion and protection of human rights in all countries, taking into account the important role of the Sub-Commission as a "think-tank" in this regard;

4. Decides to continue its consideration of the promotion of dialogue and cooperation in the field of human rights, under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been or may be concerned".

37th meeting
28 August 1997
[Adopted by 20 votes to 1. See chap. XIV.]

1997/39. Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 50/186, Commission on Human Rights resolutions 1994/46, 1995/43, 1996/47 and 1997/42, and its own resolutions 1994/18 and especially 1996/20,

Reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups,

Reiterating also that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Welcoming the working paper submitted by Ms. Kalliopi K. Koufa in accordance with Sub-Commission resolution 1996/20 (E/CN.4/Sub.2/1997/28),

1. Reiterates its unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the annihilation of human rights, fundamental freedoms and democracy, threatening territorial integrity and international peace and security,

destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon Governments to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism;

3. Urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

4. Expresses its deep appreciation to Ms. Kalliopi K. Koufa for her analytical, very comprehensive and well-documented working paper (E/CN.4/Sub.2/1997/28);

5. Recommends that the Commission on Human Rights authorize the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper;

6. Requests the Special Rapporteur to submit a preliminary report at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of her study;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study;

9. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/39 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28) and requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session. The Commission requests the Secretary-General to

provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights decision 1998/... of ... ... 1998, endorses the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to carry out a study on terrorism and human rights and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.'"

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/40. The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the increasing challenges presented by the HIV/AIDS epidemic require intensified efforts to ensure universal respect for and observance of fundamental human rights and freedoms, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Emphasizing the responsibility of Governments to ensure the full realization of all human rights and freedoms by people affected by HIV/AIDS and to strengthen national and international mechanisms concerned with HIV/AIDS-related human rights and ethics,

Noting the holding of the Second International Consultation on HIV/AIDS and Human Rights in September 1996 and in particular the adoption of guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS (E/CN.4/1997/37),

Noting also Commission on Human Rights resolution 1997/33 of 11 April 1997,

Recalling its own resolution 1996/33 of 29 August 1996,

1. Welcomes the guidelines and the recommendations for their implementation adopted by the Second International Consultation on HIV/AIDS and Human Rights in September 1996 (E/CN.4/1997/37);

2. Calls upon special rapporteurs, representatives and working groups, as well as other United Nations human rights bodies, to continue to address all HIV-related issues arising under their mandates, with particular attention to women, children and vulnerable groups, and to incorporate the guidelines into their activities;

3. Requests the United Nations High Commissioner for Human Rights, through the Commission on Human Rights, to continue to incorporate HIV/AIDS-related issues, as appropriate, in all the Centre's activities, including participating, without financial implications, in a seminar on exploring ways to assess implementation of the guidelines;

4. Urges the Commission to request the Secretary-General to transmit the guidelines to Heads of State and to the heads of all relevant United Nations bodies and agencies for action;

5. Urges States to ensure wide dissemination of the guidelines and to establish mechanisms, as appropriate, for their implementation at the national and regional levels, and to assist the Secretary-General in his preparation of a progress report to be submitted to the Commission on Human Rights at its fifty-fifth session in accordance with Commission resolution 1997/33;

6. Urges non-governmental organizations to implement the guidelines by integrating the question of HIV/AIDS and human rights within their activities;

7. Requests UNAIDS and its co-sponsors to continue the integration of a strong human rights component into all its activities, to circulate the guidelines widely throughout the United Nations system, and to organize a seminar on exploring ways to assess implementation of the guidelines;

8. Strongly urges the Commission on Human Rights to keep under review the issue of HIV/AIDS-related human rights violations and discrimination;

9. Decides to keep the issue of HIV/AIDS-related human rights violations and discrimination under review and to give consideration to this issue under relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/41. Review of further developments in fields with which the Sub-Commission has been or may be concerned

Recalling that since the adoption of its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission has considered ways of encouraging Governments to ratify or adhere to human rights instruments,

Recalling also its resolution 1994/31 of 26 August 1994, in which the Sub-Commission, acknowledging that no substantive progress had been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments and noting that Governments declined formally to respond to the Sub-Commission's invitation to clarify why they were unable to ratify them, decided to discontinue consideration of the matter under a separate agenda item but also decided to continue its consideration of these issues when they arose,

Recalling further the letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (see E/CN.4/Sub.2/1997/31), which includes a request for a study to be undertaken on reservations to treaties,

Recalling General Comment No. 24 adopted by the Human Rights Committee in 1994 (CCPR/C/21/Rev.1/Add.6), in which the Committee explained its jurisdiction on assessing the compatibility of reservations with respect to the International Covenant on Civil and Political Rights,

Recalling also the concern expressed by the Sub-Commission and the Committee on the Elimination of Discrimination against Women about reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing that the activities of the various bodies of the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

1. Considers that the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties may be inconsistent with General Comment No. 24 of the Human Rights Committee and actions by other human rights treaty bodies;

2. Requests the Secretary-General to bring the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties to the attention of the

six human rights treaty bodies, and to ask them to transmit their views on the preliminary conclusions to the International Law Commission and the Sub-Commission.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/42. Human rights and scientific and technological developments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific and technological progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the field of science and technology,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence or impairment of their physical, mental and psychological integrity,

Aware of the rapid development of the life sciences and technology and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific and technological progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997 of the Commission on Human Rights,

Referring to its decisions 1994/108 of 19 August 1994 and 1996/110 of 23 August 1996 regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Taking note also of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

Having considered the working paper entitled "Potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual" (E/CN.4/Sub.2/1997/34) prepared by Mr. Osman El-Hajjé,

Considering the urgent need for a systematic analysis of the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual,

1. Recommends that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study on the potentially adverse and positive consequences of

scientific progress and its applications for the integrity, dignity and human rights of the individual, which would, inter alia, provide a detailed and updated account of the situation and a catalogue of existing national laws, policies and procedures concerning the prevention of the potentially adverse consequences of scientific and technological progress and its applications for the integrity, dignity and human rights of the individual, as well as to propose solutions to problems associated with the existing shortcomings;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities approves the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study of the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, and requests the Special Rapporteur to submit a preliminary report to the fiftieth session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to complete his study, and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of decision 1998/... of .. April 1998 of the Commission on Human Rights, endorses the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a study of the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual and requests the Secretary-General to provide him with all the assistance necessary to enable him to complete his study.'"

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/43. Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 51/88 on the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recalling also the significant message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Recalling further Commission on Human Rights resolution 1997/35 on the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the Universal Declaration of Human Rights as the source of inspiration and the basis of subsequent progress in the field of human rights and fundamental freedoms,

Expressing its serious concern that international human rights standards are not fully and universally respected, that human rights, in particular those of vulnerable groups in society, continue to be violated in many parts of the world and that millions of people still suffer misery, live in poverty and are deprived of the full enjoyment of their civil, political, economic, social and cultural rights,

Convinced of the necessity to respect human rights in all situations and to strengthen the efforts of the United Nations in this regard,

Reaffirming that human rights are of international concern and that the Universal Declaration of Human Rights constitutes an international standard of paramount importance which has been incorporated in the text of State constitutions in many countries all over the world,

Recognizing the important contribution made by non-governmental organizations and national institutions in the promotion, protection and implementation of human rights,

Noting the comprehensive report of the United Nations High Commissioner for Human Rights to the General Assembly at its fifty-first session (A/51/36),

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

1. Urges Governments to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights, to identify obstacles to progress in this area and ways in which they can be overcome, to consider ratifying the International Covenants on Human Rights, if they have not yet done so, and to take legislative and administrative measures to promote and effectively protect human rights and fundamental freedoms;

2. Invites national institutions, non-governmental organizations and scholars to intensify their efforts to inform public opinion for a greater understanding and effective implementation of the Universal Declaration of Human Rights;

3. Decides to devote a meeting during its fiftieth session to celebrating the fiftieth anniversary of the Declaration.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

## B. Decisions

### 1997/118. The concept of affirmative action

At its 37th meeting, on 28 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the concept of affirmative action, decided without a vote to entrust Mr. Marc Bossuyt with the preparation, without financial implications, of a working paper on the concept of affirmative action for submission under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination" in order to enable it to take a decision at its fiftieth session on the feasibility of such a study.

[See chap. XIV.]

### 1997/119. Humanitarian situation in Iraq

At its 37th meeting, on 28 August 1997, the Sub-Commission, recalling its decision 1996/107 of 20 August 1996, affirming once again the need to respect the principles of the Charter of the United Nations, the Universal

Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, noted with concern the delay in the supply of food and medicines to Iraq reported by several United Nations bodies. This failure to implement the agreement between Iraq and the United Nations under the terms of Security Council resolution 986 (1995) of 14 April 1995 was, moreover, recently confirmed by the United Nations Under-Secretary-General for Humanitarian Affairs, who has undertaken to continue his efforts to improve humanitarian supplies. Bearing in mind the right of every person to sufficient food and to basic health care, the Sub-Commission considered that the embargo still in force was seriously jeopardizing the health and nutritional state of the civilian population of Iraq, especially children, women and the most underprivileged sectors of the population. Considering further that measures such as embargoes should be limited in time and should be lifted, even though the legitimate objectives of the measures have not yet been attained, the Sub-Commission decided, without a vote, to appeal once again to the international community and to all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the supply of food and medicines to meet the needs of the civilian population.

[See chap. XIV.]

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